

MINUTES
HANOVER CONSERVATION COMMISSION
June 21, 2006



Members/Staff present: Deke Moore, Chairman
Neal Merritt, Vice Chairman
Laura Horky, Hearing Officer
Patrick Gallivan, Conservation Agent
Sandra D. MacFarlane, Conservation Comm. Secretary

Members/Staff not present: (two Commission positions vacant)
Others present: Attached List

The meeting was called to order at 7:02 PM by Chairman Deke Moore who announced that two vacancies exist on the Commission at present.

DISCUSSIONS:

7:05 PM **Open Space and CPA** - Preliminary discussion: planning for future acquisitions
PRESENT: Hal Thomas, Open Space Committee

DISCUSSION: A brief discussion ensued concerning the process of Town acquisition of parcels that qualify for open space. Mr. Thomas noted that a list was being prepared including parcels of interest, such as those with 10 or more acres, those abutting town owned land, and parcels with environmentally sensitive areas. Chairman Moore noted the importance of smaller parcels for wildlife movement and habitat. The next Open Space meeting was announced, July 10, 2006 at 7:30 PM and the Members were reminded that there is a need to choose a member for the Community Preservation Act (CPA) Committee to replace past- Chair Steve O'Leary.

VOTE: DM- yes; NM-yes; LH-yes: **to appoint Commissioner Deke Moore as the Conservation Commission Member to sit on the Community Preservation Committee.**

PUBLIC HEARINGS/MEETINGS:

7:00 PM **RULES & REGULATIONS REVISIONS-** *continued from the 6/7/06 meeting*

Chairman Deke Moore opened the hearing with a brief statement and a summary of the 6/7/06 hearing. He explained that the hearing will be continued indefinitely due to the lack of a complete board, the time necessary for new members to review the current regulations, and to allow the staff time to complete the on-going research and editing process of their current proposed revisions to the regulations.

He further stated that the Commission intends to study the setbacks to wetlands in relation to the town as a whole, Route 53 corridor project, established properties vs. newly formed lots/new construction; that the Commission desires to protect and maintain the aesthetics and natural qualities of Hanover's remaining resource areas before they, too, are gone.

Mr. Arnold Itz, Route 53 Study Committee, offered appreciation to the Commission concerning their efforts and requested close scrutiny of revisions that will impact the Route 53 corridor project. Mr. Itz invited Commission members to attend the Sept. 7, 2006 meeting of the Rt. 53 Study Committee.

VOTE: DM- yes; NM-yes; LH-yes: **to continue the hearing to an indefinite date** for the above stated reasons and publish the required public hearing notice when said date is finalized.

7:30 PM **SE 31-897, 48 Curtis Mill Lane-** *see Applicant's request to continue to 7/19/06 @ 7:30 PM*

PRESENT: none

VOTE: DM- yes; NM-yes; LH-yes: **to continue the hearing to 7/19/06 at 7:30 PM.**

7:30 PM **BL 06-27, SE 31-914, 232 Old Schoolhouse Lane-** NOI- *FOR STORAGE BARN*

PRESENT: John Donovan, Property Owner

VOTE: DM- yes; NM-yes; LH-yes: **to close the hearing and issue an Order of Conditions with standard conditions.**

7:30 PM **BL 06-23, SE 31-912, 454 Broadway-** NOI- *continued from 6/7/06 meeting-*

PRESENT: Mark Ridder, Property Owner and Richard Kirby, LEC Environmental, Applicant's Representative

DISCUSSION: Mr. Kirby gave a brief history and update of the project. A 6/2/06 memo from the Conservation Agent was reviewed. Mr. Ridder explained several points in response to the comment letter including design of dumpster on concrete pad with monthly manure removal to be commercially composted, number of horses to be housed would be two for now, increasing to 14 as stalls become available, that the arena building will also include sixteen 12' x 12' stalls (two to be used for tack storage), no commercial use of site, adherence to agriculture use requirements, and several items required by the Fire Department and DPW. Vice Chairman Merritt requested a letter from DPW including comments on the stone dust roadway/walkways.

A revised plan was suggested to include 6 dry-wells for roof run-off at a size of at least 6' depth x 3' width for proper stormwater filtration from the proposed structures. Abutters present were concerned with removal of trees as it related to stormwater run-off to their properties, dust from the proposed stone dust roadway, and the location of proposed grazing pastures. Mr. Kirby explained grading and pattern/path of run-off as going in a southerly direction, some trees would be removed but not enough to impact ground water levels or the resource areas, and that a great amount of the proposed work area was already established lawn/pasture type grass. Mr. Ridder added that maintenance of the stone dust roadway would include yearly re-grading, as suggested by the DPW. Mr. Ridder offered to add a swale to increase filtration of stormwater run-off.

VOTE: DM- yes; NM-yes; LH-yes: **to close the hearing and issue an Order of Conditions with the following added conditions:**

- *permanent setback markers/conservation post location and number to be determined on site by the Conservation Agent;*
- *submission of a letter from DPW including comments on the use and maintenance of stone dust;*

- *incorporation of a swale located in the area of the southeast corner of the indoor arena for filtration of stormwater run-off*
- *submission of a letter from Grady Consulting, LLC including details for the construction and location of the swale;*
- *reduction in size of the stone dust area at the southeast corner of the indoor arena to decrease the width of the pathway from 22' to 15' from the corner of the building outwards toward the resource area;*
- *installation of six 6' deep x 3' wide dry wells for roof run-off*
- *relocation of the dumpster/dumpster pad unit out of the 100 buffer zone to wetlands*
- *submission of a revised plan showing the swale, reduction in stone path at southeast corner of arena, dry wells and dry well detail, new location of dumpster/dumpster pad unit.*

7:30 PM **BL 06-26, SE 31-___, 639 Whiting Street- NOI- FOR SUBDIVISION**

PRESENT: James O'Brien, Property Owner, Deborah Keller, McKenzie Engineering, Applicant's Representative

DICUSSION: Ms. Keller gave a brief history of the project and noted that the resource areas were approved with an Order of Conditions, the application was filed as a limited project and that the status of Shingle Mill Brook as it is located to this project is Intermittent. She further stated that proposed mitigation/replication is greater than the required 2:1. Relocation of the access roadway and proposed detention basin away from the abutting property at 636 Whiting Street was suggested. Mr. O'Brien stated that it was a (Morse) family decision to locate the roadway at the proposed location and further noted that the Morse home was not proposed as part of the subdivision.

Ms. Keller stated that a Letter of Map Revision and related work was underway to provide an accurate FEMA line and that the site no longer qualified for estimated habitat of rare or endangered species, as the spotted turtle had been taken off the list recently. In response to further questions about the location of the roadway, Ms. Keller explained Planning Board requirements which lead to a brief discussion concerning Planning Board/Conservation Commission project coordination, granite curbstones vs. rounded berm, in particular. Other ideas to lower the impacts to resource areas discussed were the construction of side walk on one side only, elimination of the grass separator, granite curbs on only one side. Mr. O'Brien noted that any or all of these suggestions would be considered if Planning Board would allow the revisions. The Conservation Agent expressed concern for disturbance within the 25' setback to wetlands where the bridge over the stream was proposed. It was suggested that the Conservation Commission send correspondence to the Planning Board in support of such revisions.

Abutter Bradley Barr, 636 Whiting Street, questioned the location of the roadway and detention basin, urged their relocation, stated that the character of the neighborhood was in jeopardy, questioned increased run-off to his property due to the low elevation in the area and noted that he would arrange to meet with the Applicant outside of the public hearing if possible for a more thorough discussion. He further noted that the spotted turtle may not have been the only endangered species on the site. Mr. O'Brien disputed this concern. The Agent will research through NHESP. Mr. Barr requested that the Conservation Agent review the Order of Conditions issued for the test pits for expiration date, compliance to conditions regarding the establishment of vegetation in disturbed areas, and issuance of a Certificate of Compliance.

Several abutters questioned whether attempts had been made to determine if contamination was present due to the abandoned (farm) equipment/machinery on the site. Mr. Barr noted that he knew of underground tanks on the property. Mr. O'Brien stated that there was a considerable amount of debris on the property and that it would be removed in accordance with all regulations.

A discussion ensued concerning the Commission's membership, as it was noted that two vacancies existed on the Commission. Mr. O'Brien stated that he was concerned with the lack of membership as he has several projects planned that need Conservation Commission review/approval. **For the record**, present Commissioners Deke Moore, Laura Horky, and Neal Merritt were noted as continuing members who had been present for the current hearing. Selectman Alan Rugman, present in the audience, stated that interviews had been scheduled for possible members and suggested ratification of the Associate Member, Amanda Pascarella. Ms. Pascarella was observing from the audience as the final approval of the position of Associate Member had not yet been received/approved by the Attorney General's Office.

VOTE: DM- yes; NM-yes; LH-yes: **to continue the hearing to 7/19/06 at 7:30 PM** and in a separate vote-

VOTE: DM- yes; NM-yes; LH-yes: **to ratify Ms. Amanda Pascarella as an Associate Member with said ratification to take effect as of the date of Attorney General's approval of the position of Associate Member to the Town of Hanover Conservation Commission.**

For the record, Ms. Pascarella stated that she is an abutter to the 639 Whiting Street project and if called upon to sit for a hearing concerning this project, will recuse herself.

7:30 PM **BL 06-25, SE 31-___, 450 and 464 King Street- Great Acres Estates- NOI**
PRESENT: Lee Gurney and Thomas Hart, Property Owners, and Carl Garvey, CW Garvey Consulting, Inc., Applicant's Representative.

DISCUSSION: Mr. Garvey explained that the plans had been revised to meet Planning Board requirements and had been approved by Planning Board. He noted that the application concerned the roadway and stormwater management system and not the area labeled as the Duck Pond and that all proposed work is outside of the FEMA flood zone. The Conservation Agent addressed the area labeled as the Duck Pond and noted that it was discussed as a potential vernal pool by Brooke Monroe, Pinebrook Consulting while conducting a site inspection as Acting Conservation Agent. Also noted on the plan was the 25 ft. wide tree cutting restriction along the northern property line. Mr. Garvey spoke to the issue of the restriction, the construction sequence, the Operation and Maintenance Plan, , amount of proposed soil removal and fill, and the responsibility of the future Homeowners Association. The Agent noted the substantial number of missing wetland flags on site, questioned permanent setback marker/conservation post locations, stockpile locations, and the need for a Guaranteed Deposit Account for review of the potential vernal pool. Mr. Garvey and the property owners agreed to establish a \$1,500.00 Guaranteed Deposit Account.

Abutter Richard Smith, 420 King Street, requested clear demarcation of the restricted tree cutting area. Mr. Garvey noted that it is a deed restricted area and will be clearly marked. He agreed to use conservation posts for this area. Other conservation posts shall be located as per the Conservation Agent's recommendation prior to the commencement of work.

VOTE: DM- yes; NM-yes; LH-yes: **to close the hearing contingent upon the issuance of a DEP file number and to issue an Order of Conditions with the following conditions:**

- *determination of the status of the resource area known as the Duck Pond as to it's potential as a vernal pool*
- *permanent setback markers/conservation posts located at the 25 ft. NO TREE CUTTING area*
- *additional permanent setback markers/conservation posts installed at locations as per the Conservation Agent, and*
- *establishment of a \$1,500.00 Guaranteed Deposit Account*

ACTION ITEM

1. **SE 31-696A, The Elms Subdivision-** request to release funds

DISCUSSION: The Agent reported that the Applicant's wetland consultant will be submitting a report and suggested review of this item at the 7/19/06 meeting.

DECISION: This item to be reviewed at the 7/19/06 meeting.

2. **SE 31-467, Townsend Woods Subdivision-** request to release funds

VOTE: DM- yes; NM-yes; LH-yes: **to release funds.**

3. **SE 31-700, 171-174 River Road-** request to review revised plan

VOTE: DM- yes; NM-yes; LH-yes: **to accept the reduction in area for repair within the swale located along the driveway.**

4. **SE 31-859, 1226 Webster Street-** request for a Certificate of Compliance (COC)

VOTE: DM- yes; NM-yes; LH-yes: **to issue a COC**

ADMINISTRATIVE:

☒ 5/17/06 and 6/7/06 Minutes **approved**

☒ Sign Bills **signed**

☒ Conservation Staff Report- **reviewed**

The meeting was adjourned at 10:46 PM.

Minutes Respectfully submitted 7/18/06

Sandra D. MacFarlane, Conservation Commission Secretary